

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 477 of 2017**

(Arising out of order dated 26.07.2017 in WP(C) No.2202 of 2014 of the learned Single Judge)

- Shivcharan Pandey S/o Lt. Yogehswar Pandey Aged About 54 Years Ex-Vice President The Then Janapd Panchayat Kusmi R/o Kumsmi Ps. Kusmi Dist. Balrampur-Ramanujganj Chhattisgarh

---- Appellant**Versus**

1. State Of Chhattisgarh Through The Secretary Department Of Revenue Mantralaya, Mahandi Bhawan, Capital Complex Post Office Rakhi District Raipur Chhattisgarh
2. The Board Of Revenue, Through Its Chairman Bilaspur, District Bilaspur Chhattisgarh,
3. Additional Commissioner, Surguja Division, Ambikapur, District Surguja Chhattisgarh.
4. Collector, Surguja Ambikapur, District Surguja Chhattisgarh.
5. The Sub Divisional Officer (Revenue), Kusmi Distt. Balrampur-Ramanujganj Chhattisgarh
6. The Tahsildar Kusmi Tah. Kusmi Dist. Balrampur-Ramanujganj Chhattisgarh
7. Jashwant Kumar Gupta S/o Ramesh Gupta R/o Main Road P. S. Kusmi Dist. Balrampur-Ramanujganj Chhattisgarh
8. Nagar Panchayat Kusmi Through The Chief Municipal Officer Nagar Panchayat Kusmi Dist. Balrampur -Ramanujganj Chhattisgarh

---- Respondents

For Appellant	:	Shri V.K. Pandey, Advocate
For Respondent Nos.1 to 6/State:	:	Shri R.K. Gupta, Deputy Advocate General
For Respondent No.7	:	Shri Manoj Paranjpe, Advocate
For Respondent No.8	:	Shri Varunendra Mishra, Advocate

Hon'ble Thottathil B. Radhakrishnan, Chief Justice**Hon'ble Shri Justice Sanjay Agarwal****Judgment on Board****Per Thottathil B. Radhakrishnan, Chief Justice****29.11.2017**

1. We have heard the learned counsel for the Appellant/writ petitioner.
2. The Petitioner filed a complaint before the 4th Respondent - Collector that land has been illegally leased to the 7th Respondent. That was inquired into by the

Collector. The result went against the 7th Respondent. He lost an appeal against that decision before the 3rd Respondent - Additional Commissioner. He however succeeded in another appeal before the Board of Revenue. The Petitioner challenged that decision before the learned Single Judge. The learned Single Judge held that the Petitioner did not have *locus standi* to challenge that decision.

3. In support of this appeal, to our query, the learned Counsel for the Appellant could not point out any individual personal right to property which the Petitioner has, which was justiciable in opposition to the lease held out by the 7th Respondent. It may be true that the Petitioner as an Ex-Vice President of the Janpad Panchayat, Kusmi has triggered the process before the Collector. That by itself does not give rise to any cause of action for an adversarial litigation as between the Petitioner and the 7th Respondent. We do not find any error of jurisdiction in the learned Single Judge having exercised the discretion to hold that the writ petition could not be entertained. The impugned judgment, therefore, does not warrant interference through the intra court appeal under Section 2 (1) of the Chhattisgarh High Court (Appeal to Division Bench) Act, 2006. This appeal therefore fails.
4. In the result, the writ appeal is dismissed in *limine*.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sanjay Agrawal)
Judge